

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 303

AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-16-1-7, AS ADDED BY P.L.221-2005, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **(a) This section does not apply to a license branch in a county if there are no precincts in the county in which an election is held on election day.**

~~(a)~~ **(b)** On each general, municipal, primary, and special election day (as defined in ~~IC 3-5-1-2~~; **IC 3-5-2-18**), all ~~full service~~ license branches **that provide state identification cards** must remain open from 6:00 a.m., local time, to 6:00 p.m., local time, solely for the purpose of issuing driver's licenses and state identification cards under IC 9-24.

~~(b)~~ **(c)** On the day before each general, municipal, primary, and special election day (as defined in ~~IC 3-5-1-2~~; **IC 3-5-2-18**), all ~~full service~~ license branches **that provide state identification cards** must remain open from 8:30 a.m., local time, to 8:00 p.m., local time, solely for the purpose of issuing driver's licenses and state identification cards under IC 9-24.

~~(c)~~ **(d)** The commission shall:

- (1) designate another day as ~~compensatory~~ time off; or
- (2) authorize overtime pay;

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for license branch personnel required to work on an election day.

SECTION 2. IC 9-23-2-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16. (a) A person licensed under this article shall be issued a special event permit from the bureau for a special event meeting the following conditions:**

(1) The event is a vehicle auction conducted by auctioneers licensed under IC 25-6.1-3.

(2) The vehicles to be auctioned are:

(A) at least fifteen (15) years old; or

(B) classified as classic, collector, or antique vehicles under rules adopted by the bureau.

(3) At least one hundred (100) vehicles will be auctioned during the special event.

(4) An application for a special event permit has been submitted to the bureau not later than thirty (30) days before the beginning date of the special event.

(5) The application is accompanied by the permit fee required under IC 9-29-8-6.5.

(b) Not more than two (2) special event permits may be issued by the bureau within a twelve (12) month period to the same applicant.

SECTION 3. IC 9-24-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.** Except as provided in section 6 or 7 of this chapter, an individual must have a valid Indiana:

(1) operator's license;

(2) chauffeur's license;

(3) public passenger chauffeur's license;

~~(4) learner's permit;~~

~~(5)~~ (4) commercial driver's license; or

~~(6)~~ (5) driver's license listed in subdivision (1), (2), (3) or (4) with a motorcycle operator's license or endorsement; or

(6) learner's permit;

issued to the individual by the bureau under this article to drive upon an Indiana highway the type of motor vehicle for which the license or permit was issued.

SECTION 4. IC 9-24-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.** Except as provided in section 3 of this chapter, an individual must meet one (1) of the following conditions to receive an operator's license:

(1) The applicant meets the following conditions:

(A) Is at least sixteen (16) years and thirty (30) days of age.

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- (B) Has held a valid learner's permit at least sixty (60) days.
- (C) Has obtained an instructor's certification that the applicant has satisfactorily completed an approved driver education course.

(D) Has passed the required examination.

- (2) The applicant meets the following conditions:
 - (A) Is at least sixteen (16) years and one hundred eighty (180) days of age.
 - (B) Has held a valid learner's permit for at least sixty (60) days.
 - (C) Has passed the required examination.
- ~~(3) The applicant meets the following conditions:~~
 - ~~(A) Is at least eighteen (18) years of age:~~
 - ~~(B) Has operated a motor vehicle for at least one (1) year:~~
 - ~~(C) Passes the required examination:~~
- ~~(4) (3) The applicant meets the following conditions:~~
 - (A) Is at least sixteen (16) years and one hundred eighty (180) days of age.
 - (B) Has, within the past three (3) years, held an Indiana operator's, chauffeur's, or public passenger chauffeur's license that has not been suspended or revoked.
 - (C) Passes the required examination.
- ~~(5) (4) The applicant meets the following conditions:~~
 - (A) Is at least sixteen (16) years and one hundred eighty (180) days of age.
 - (B) Has previously been a nonresident of Indiana but who, at the time of application, qualifies as an Indiana resident.
 - (C) Has held for at least one (1) year an unrevoked operator's, chauffeur's, or public passenger chauffeur's license in the state, district, or county in which the applicant has been a resident.
 - (D) Passes the required examination.

SECTION 5. IC 9-24-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Except as otherwise provided in this article, the bureau shall issue a public passenger chauffeur's license to an individual who meets the following conditions:

- (1) Satisfies the age requirements described in section 2 of this chapter.
- (2) Makes proper application to the bureau under IC 9-24-9, upon a form prescribed by the bureau.
- (3) Successfully passes the physical examination given by a practicing physician licensed to practice medicine in Indiana.
- (4) Has operated a motor vehicle for ~~one (1) year:~~ **at least two (2)**

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years.

(5) Satisfactorily passes the examination and tests for a public passenger chauffeur's license.

(6) Pays the fee prescribed in IC 9-29-9.

(7) Is at least eighteen (18) years of age.

SECTION 6. IC 9-24-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. ~~(a) Except as provided in subsection (b),~~ An individual must be at least ~~twenty-one (21)~~ **eighteen (18)** years of age to receive a public passenger chauffeur's license.

~~(b) A public passenger chauffeur's license may be issued to an individual who is at least eighteen (18) years of age for the purpose of driving a taxicab only. An application for the license must be endorsed by the parent or guardian of the individual as well as by a licensed taxicab company.~~

SECTION 7. IC 9-24-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A public passenger chauffeur's license entitles the licensee to operate any motor vehicle, except a **commercial vehicle or a** motorcycle, upon a highway.

SECTION 8. IC 9-24-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle, upon a public highway under the following conditions:

(1) While the holder is participating in practice driving in an approved driver education course and is accompanied by a certified driver education instructor in the front seat of an automobile equipped with dual controls.

(2) If the learner's permit has been validated and the holder is less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a guardian, stepparent, or relative of the holder who **is at least twenty-one (21) years of age and** holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

(3) If the learner's permit has been validated and the holder is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by an individual who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

(4) While:

(A) the holder is enrolled in an approved driver education course;

(B) the holder is participating in practice driving after having commenced an approved driver education course; and

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(C) the seat beside the holder is occupied by a parent, stepparent, or guardian of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

SECTION 9. IC 9-24-8-4, AS AMENDED BY HEA 1286-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Except as provided in subsections (c) and (d), the bureau shall:

- (1) issue a motorcycle operator's license; or
- (2) validate an operator's, a chauffeur's, or a public passenger chauffeur's license for motorcycle operation upon a highway by endorsement;

to a person who meets the conditions in subsection (b).

(b) A person must meet at least one (1) of the following conditions to obtain a license or validation under subsection (a):

~~(1) Satisfactorily complete an approved motorcycle driver education and training course and pass the written test required by this section:~~

~~(2) (1)~~ Satisfactorily complete the written test, hold a motorcycle learner's permit for at least thirty (30) days, and:

~~(A) satisfactorily complete the an approved operational skills test; or~~

(B) satisfactorily complete a motorcycle operator safety education course approved by the department of education as set forth in IC 20-30-13-9.

~~(3) (2)~~ Hold a current motorcycle operator endorsement or **motorcycle operator's** license from any other jurisdiction and successfully complete the written test.

(c) The bureau may not issue a motorcycle operator's license **or endorsement** to an individual less than sixteen (16) years and thirty (30) days of age.

(d) If an applicant for a motorcycle license or license endorsement is less than eighteen (18) years of age, the bureau may not issue a license or validate a license described in subsection ~~(a)(2)~~ **(a)** if the applicant is ineligible under IC 9-24-2-1.

(e) The bureau shall develop and implement both a written test and an operational skills test that must be designed to determine whether an applicant for a motorcycle operator's license or endorsement is competent to operate a motorcycle upon a highway. The written test must be made available at license branch locations approved by the bureau. The operational skills test must be given at locations designated by the bureau. The bureau shall adopt rules by July 1, 2007, under IC 4-22-2 to establish standards for persons administering

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operational skills tests and the provisions of the operational skills test. An individual applying for a motorcycle operator's license or endorsement must pass the ~~operational skills test~~ **written exam** before taking the ~~written exam~~ **operational skills test**. If an applicant fails to satisfactorily complete either the written or operational tests, the applicant may reapply for and must be offered the examination upon the same terms and conditions as applicants may reapply for and be offered examinations for an operator's license. The bureau shall publish and make available at all locations where an individual may apply for an operator's license information concerning motorcycle operator licensing or endorsement.

(f) An individual who:

- (1) has held a motorcycle learner's permit for at least ~~two (2) months~~, **thirty (30) days**; or
- (2) holds a temporary motorcycle learner's permit, has successfully completed an approved motorcycle driver education and training course, and possesses a valid operator's, chauffeur's, or public passenger chauffeur's license;

may apply for a motorcycle operator's license ~~or~~ endorsement not later than the expiration date of the holder's permit. However, not more than three (3) examinations may be allowed a holder during the period the permit is valid. A holder of a learner's permit or a temporary learner's permit who does not pass the written and operating skills examination during the period for which the permit is valid must obtain a new learner's permit.

SECTION 10. IC 9-24-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The application of an individual less than eighteen (18) years of age for a permit or license under this chapter must be signed and sworn to or affirmed by one (1) of the following **in order of preference**:

- (1) The parent having custody of the minor applicant ~~or a designee of the custodial parent specified by the custodial parent~~.
- (2) ~~The noncustodial parent (as defined in IC 31-9-2-83) of the minor applicant or a designee of the noncustodial parent specified by the noncustodial parent.~~
- ~~(2) (3)~~ (3) The guardian having custody of the minor applicant.
- ~~(3) If neither parent is living in Indiana and the applicant has no guardian, the person having custody or an employer of the minor applicant.~~
- ~~(4) If there is no parent, guardian, or employer, In the absence of a person described in subdivisions (1) through (3), any other~~

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~~responsible individual~~ **adult** who is willing to assume the obligations imposed by the provisions of this chapter.

SECTION 11. IC 9-24-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A license issued to an individual less than eighteen (18) years of age is a probationary license.

(b) An individual holds a probationary license subject to the following conditions:

(1) Except as provided in IC 31-37-3, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2.

(2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual who:

(A) is at least twenty-one (21) years of age; and

(B) holds a valid operator's license issued under this article; is present in the front seat of the motor vehicle.

(3) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has a safety belt properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(c) An individual who holds a probationary license issued under this section may receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) A probationary license issued under this section:

~~(1) is valid for not more than four (4) years from the date the license is issued;~~

(1) expires at midnight of the twenty-first birthday of the holder; and

(2) may not be renewed.

SECTION 12. IC 9-24-12-1, AS AMENDED BY HEA 1103-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in subsection (b) and section 10 of this chapter, an operator's license issued under this article after December 31, 1996, and before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) Except as provided in sections 10 and 11 of this chapter, an operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age expires at midnight of the

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birthday of the holder that occurs three (3) years following the date of issuance.

(c) Except as provided in ~~subsection~~ **subsections (b) and (d)** and sections 10 and 11 of this chapter, after December 31, 2005, an operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(d) A probationary operator's license issued under IC 9-24-11-3 expires at midnight of the twenty-first birthday of the holder.

SECTION 13. IC 9-24-12-2, AS AMENDED BY HEA 1103-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in section 10 of this chapter, a chauffeur's license issued under this article after December 31, 1996, and before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) After December 31, 2005, and except as provided in **subsection (c) and** sections 10 and 11 of this chapter, a chauffeur's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(c) Except as provided in subsection (b) and section 10 of this chapter, a chauffeur's license issued after June 30, 2006, to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

SECTION 14. IC 9-24-12-5, AS AMENDED BY P.L.210-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. An individual applying for renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch and do the following:

- (1) Pass an eyesight examination.
- (2) Pass a written examination if:
 - (A) the applicant has at least six (6) active points on the applicant's driving record maintained by the bureau; or
 - (B) the applicant holds a valid operator's license, ~~but~~ has not reached the applicant's twenty-first birthday, **and has active points on the applicant's driving record maintained by the bureau.**

SECTION 15. IC 9-24-12-7, AS AMENDED BY HEA 1103-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Except as provided in subsection (b) and

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section 10 of this chapter, a motorcycle operator's license issued after December 31, 1996, and before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) Except as provided in sections 10 and 11 of this chapter, a motorcycle operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) After December 31, 2005, except as provided in subsection (b) and section 11 of this chapter, a motorcycle operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(d) A motorcycle operator endorsement remains in effect for the same term as the license being endorsed and is subject to renewal at and after the expiration of the license in accordance with this chapter.

~~(e) A temporary motorcycle learner's permit is valid for twelve (12) months from date of issuance.~~

SECTION 16. IC 9-29-3-8, AS AMENDED BY P.L.210-2005, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. ~~(a) The service charge for each of the first two thousand (2,000) operator's licenses including motorcycle operator's licenses, issued at a license branch each year is two dollars (\$2). This subsection expires December 31, 2005.~~

~~(b) The service charge for each additional operator's license or motorcycle operator's license issued at that license branch each year is one dollar and fifty cents (\$1.50). This subsection expires December 31, 2005.~~

~~(c) (a)~~ Fifty cents (\$0.50) of each service charge collected under this section shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.

~~(d) (b)~~ After December 31, 2005, The service charge for an operator's license is three dollars (\$3).

SECTION 17. IC 9-29-8-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6.5. The permit fee for a special event permit issued under IC 9-23-2-16 is two hundred fifty dollars (\$250).**

SECTION 18. IC 9-29-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. All money collected by the bureau from manufacturers, factory branches, distributors, distributor branches, dealers, automobile auctioneers, factory representatives, distributor representatives, wholesale dealers, transfer

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dealers, converter manufacturers, or brokers for licenses **and permit fees** under IC 9-23-2 shall be credited to the motor vehicle odometer fund and allocated under IC 9-29-1-5.

SECTION 19. IC 9-29-9-2, AS AMENDED BY P.L.210-2005, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. ~~(a) The fee for a four (4) year operator's license issued under IC 9-24-3 is six dollars (\$6). This subsection expires December 31, 2005.~~

~~(b) After December 31, 2005,~~ **(a)** The fee for an operator's license issued under IC 9-24-3 or renewed under IC 9-24-12 to an individual who is:

(1) less than seventy-five (75) years of age is nine dollars (\$9);
and

(2) at least seventy-five (75) years of age is six dollars (\$6).

(b) After June 30, 2006, the fee for a probationary license issued under IC 9-24-11-3(d) is six dollars (\$6).

SECTION 20. IC 9-29-9-15.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 15.1. The fee and charge provisions of IC 9-24-16-10 apply notwithstanding IC 9-29-3-14 and section 15 of this chapter.**

SECTION 21. IC 9-29-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Each application for an original or a renewal school license fee under IC 9-27-4-6 must be accompanied by a:

- (1) certified check;
- (2) corporate check;** or
- (3) United States postal money order;

in the amount of one hundred dollars (\$100).

SECTION 22. IC 9-29-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. Each application for an original or a renewal instructor's license under IC 9-27-4-6 must be accompanied by a:

- (1) certified check;
- (2) corporate check;** or
- (3) United States postal money order;

in the amount of ten dollars (\$10).

SECTION 23. IC 10-11-2-26, AS AMENDED BY P.L.210-2005, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or portable weigh stations. A person assigned under this

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section may stop, inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least eleven thousand (11,000) pounds and buses at a permanent or portable weigh station or while operating a clearly marked Indiana state police vehicle for violations of the following:

- (1) IC 6-1.1-7-10.
- (2) IC 6-6-1.1-1202.
- (3) IC 6-6-2.5.
- (4) IC 6-6-4.1-12.
- (5) IC 8-2.1.
- (6) IC 9-18.
- (7) IC 9-19.
- (8) IC 9-20.
- (9) IC 9-21-7-2 through IC 9-21-7-11.
- (10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.
- (11) IC 9-21-8-45 through IC 9-21-8-48.
- (12) IC 9-21-9.
- (13) IC 9-21-15.
- (14) IC 9-21-21.
- (15) IC 9-24-1-1 through ~~IC 9-24-1-3~~; **IC 9-24-1-2**.
- (16) IC 9-24-1-7.
- (17) Except as provided in subsection (c), IC 9-24-1-6, IC 9-24-6-16, IC 9-24-6-17, and IC 9-24-6-18, commercial driver's license.
- (18) IC 9-24-4.
- (19) IC 9-24-5.
- (20) IC 9-24-11-4.
- (21) IC 9-24-13-3.
- (22) IC 9-24-18-1 through IC 9-24-18-2.
- (23) IC 9-25-4-3.
- (24) IC 9-28-4.
- (25) IC 9-28-5.
- (26) IC 9-28-6.
- (27) IC 9-29-5-11 through IC 9-29-5-13.
- (28) IC 9-29-5-42.
- (29) IC 9-29-6-1.
- (30) IC 13-17-5-1, IC 13-17-5-2, IC 13-17-5-3, or IC 13-17-5-4.
- (31) IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

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(c) A person assigned under this section may not enforce IC 9-24-6-14 or IC 9-24-6-15.

SECTION 24. IC 24-4-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. **(a) This section does not apply to a person that holds a special event permit issued under IC 9-23-2-16.**

(b) A person who engages in the business of buying, selling, or trading motor vehicles on Sunday commits a Class B misdemeanor.

SECTION 25. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 9-24-1-3; IC 9-24-12-8.

SECTION 26. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding IC 9-23-2-16 (a), as added by this act, the bureau of motor vehicles shall carry out the duties imposed upon it by IC 9-23-2-16(a), as added by this act, under interim written guidelines approved by the commissioner of the bureau of motor vehicles.**

(b) This SECTION expires the earlier of the following:

(1) The date rules are adopted under IC 9-23-2-16(a), as added by this act.

(2) December 31, 2007.

SECTION 27. An emergency is declared for this act.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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